

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                          |   |                 |
|------------------------------------------|---|-----------------|
| THE PETITION OF MALLARD POINT DISPOSAL   | ) |                 |
| SYSTEM, INC. FOR APPROVAL OF A           | ) |                 |
| CERTIFICATE OF CONVENIENCE AND           | ) | CASE NO. 94-267 |
| NECESSITY TO CONSTRUCT SANITARY SEWER    | ) |                 |
| FACILITIES AND FOR APPROVAL OF FINANCING | ) |                 |

O R D E R

On July 13, 1994, Mallard Point Disposal System, Inc. ("Mallard Point") applied to the Commission for approval of a Certificate of Convenience and Necessity to construct sanitary sewer facilities and for approval of financing. In its filing, Mallard Point requested a deviation from the requirements of 807 KAR 5:071, Section 3(1)(j) and (i) and Section 3(3)(a); 807 KAR 5:001, Section 11(2)(c); and 807 KAR 5:001, Section 6.

807 KAR 5:071, Section 3(1)(j), requires a detailed depreciation schedule of all treatment plant, property and facilities, both existing and proposed. Section 3(1)(i) requires a copy of the latest tax returns. Section 3(3)(a) requires a full and complete explanation of any corporate or business relationships between the applicant and parent or brother-sister corporation.

807 KAR 5:001, Section 11(2)(c), requires the submission of detailed estimates of Uniform System of Accounts by account number. 807 KAR 5:001, Section 6, requires that a financial exhibit covering operations for a 12-month period ending not more than 90 days prior to the date the application is filed to be attached to the application.

Having reviewed the filing and being otherwise sufficiently advised, the Commission finds that:

1. The information required by 807 KAR 5:071, Section 3(1)(j), is critical to the Commission's complete review of Mallard Point's filing. The Commission therefore finds that Mallard Point's request to deviate from the requirements of 807 KAR 5:071, Section 3(1)(j), should be denied.

2. As the information required by the regulation cited above was not included in Mallard Point's filing, the Commission further finds that the statutory time period in which the Commission must rule on this matter will not commence until the required information is filed with the Commission.

3. Except for the depreciation schedules discussed in finding 1, Mallard Point has filed sufficient information for reviewing its application. Therefore, its request for a deviation from 807 KAR 5:071, Section 3(1)(i) and 3(3)(a); and 807 KAR 5:001, Section 6, should be granted.

IT IS THEREFORE ORDERED that:

1. Mallard Point's request for a deviation from the requirements of 807 KAR 5:071, Section 3(1)(i) and 3(3)(a); and 807 KAR 5:001, Section 6, is hereby granted.

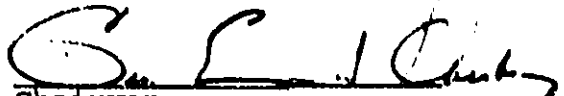
2. Mallard Point's request for a deviation from the requirements of 807 KAR 5:071, Section 3(1)(j), is denied.


3. Mallard Point shall file all information required by 807 KAR 5:071, Section 3(1)(j), no later than 15 days from the date of this Order. If said information is not filed within such time,

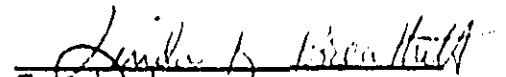
Mallard Point's filing will be rejected and this case dismissed  
without further Order of the Commission.

Done at Frankfort, Kentucky, this 5th day of August, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director